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13
14 Attorneys for Defendants Encore Capital
15 Group, Inc., Midland Funding, LLC, and
16 Midland Credit Management, Inc.

17 UNITED STATES DISTRICT COURT

18 EASTERN DISTRICT OF WASHINGTON AT SPOKANE

19 Case No. 2:09-cv-251-EFS

20 (CONSOLIDATED CASE)

21 EVA LAUBER, DANE SCOTT, SCOTT
22 BOOLEN, JOEL FINCH, and all others
23 similarly situated,
24 Plaintiffs,
25 v.
26 ENCORE CAPITAL GROUP INC;
MIDLAND FUNDING, LLC;
MIDLAND CREDIT MANAGEMENT,
INC.; SUTTELL AND HAMMER, P.S.;
MARK T. CASE and JANE DOE CASE
husband and wife, MALISA L.
GURULE, and JOHN DOE GURULE,
KAREN HAMMMER and ISAAC

MOTION TO DISMISS
DEFENDANTS ENCORE
CAPITAL GROUP INC.,
MIDLAND FUNDING LLC, AND
MIDLAND CREDIT
MANAGEMENT, INC.
PURSUANT TO FRCP 12(b)(6)

1 HAMMER, wife and husband;
2 WILLIAM SUTTLEL and JANE DOE
3 SUTTELL husband and wife;

4 Defendants.

5

6 **I. MOTION**

7 Defendants by undersigned counsel of record, submit this motion to dismiss,
8 with prejudice, a certain claim alleged against them as set forth in the Complaint.
9 Specifically, Defendants seeks dismissal pursuant to Federal Rule of Civil Procedure
10 12(b)(6) of Plaintiffs' claim for violation of the Washington Consumer Protection Act
11 ("WCPA"), RCW 19.86, et seq., for failure to state a claim upon which relief may
12 granted. This motion is made on the ground that in order for a violation of the WCPA
13 to be actionable, a Plaintiff must suffer injury to "business or property." Here, the
14 complaint has failed to assert facts which demonstrate such injury.

15 In support of this motion, Defendant relies upon the statement of facts,
16 authorities, and argument set forth in the accompanying memorandum.

17 DATED this 24th day of January, 2011.

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19 CRUMB & MUNDING, P.S.

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23 JOHN D. MUNDING, WSBA #21734
24 Attorneys for Defendants

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1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF WASHINGTON

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4 **CERTIFICATE OF SERVICE**

5 I, Ashley Woods, the undersigned, hereby certify that on January 24, 2011, I
6 electronically filed the foregoing Motion with the Court using the Court's CM/ECF
7 system, which will send notification of such filing to the following persons:
8

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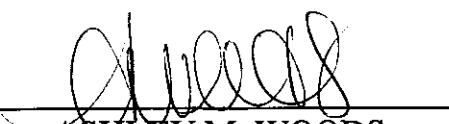
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17
18
19 Dated this 24th day of January, 2011.

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ASHLEY M. WOODS